

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 24, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROLAND FINNEY,

Plaintiff,

v.

MARY LOGAN, Individually and in
his/her official capacity as Justice of the
Municipal Court of Spokane County,
Defendant.

No. 2:21-CV-00216-SAB

ORDER DISMISSING ACTION

On July 21, 2021, Plaintiff filed his pro se Complaint and Application to Proceed In Forma Pauperis, ECF Nos. 1, 2. On July 27, 2021, the Court granted his Application to Proceed in Forma Pauperis. ECF No. 7.

Plaintiff is suing Mary Logan, who is a Spokane Municipal Judge. From the Complaint, it appears that on July 13, 2021, Plaintiff had a criminal matter before Judge Logan. Prior to the hearing, Plaintiff sent Judge Logan an email to her personal account. Judge Logan then charged Plaintiff with Contempt of Court and placed him in custody.

Plaintiff is bringing claims against Judge Logan under 42 U.S.C. § 1983, on the basis of violations of the First Amendment (refusal to let him speak); Fifth Amendment (deprivation of life without due process); Eighth Amendment (placing him in jail for asking for jurisdiction to be placed on record); Ninth Amendment

1 (denial all his rights that were invoked); Fourteenth Amendment (punishing him
2 for invoking his rights); Equal Protection (other attorneys were able to meet with
3 her in her chambers privately); Judicial Misconduct (Judge Logan was visibly
4 upset and punished him for an email); Acting Outside Judicial Authority (failed to
5 uphold the Constitution); Conspiracy to Commit Fraud; High Treason; Accepting
6 gifts and bribes (observed gift basket being delivered); violation of the Supremacy
7 Clause; and Due Process Rights.

28 U.S.C. § 1915 Review

When an individual seeks to proceed in forma pauperis, the Court is required to review the complaint and dismiss such complaint, or portions of the complaint, if it is “(i) frivolous or malicious; (ii) fails to state a claim upon which relief may be granted; or (iii) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2); *Wong v. Bell*, 642 F.2d 359, 361-62 (9th Cir. 1981). A plaintiff’s claim is frivolous “when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992).

Analysis

19 It is well-settled that judges have absolute immunity from damage liability
20 for acts performed in their official capacities. *Forrester v. White*, 484 U.S. 219,
21 225 (1988); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986). The purpose
22 of absolute immunity to protect the finality of judgments; discourage inappropriate
23 collateral attacks and to protect “judicial independence by insulating judges from
24 vexatious actions prosecuted by disgruntled litigants.” Judicial immunity applies
25 “however erroneous the act may have been, and however injurious in its
26 consequences it may have proved to the plaintiff.” *Cleavinger v. Saxner*, 474 U.S.
27 193, 199-200 (1985).

28 //

1 Here, the allegations in Plaintiff's Complaint make it clear that Judge Logan
2 is entitled to absolute immunity. In addition, many of Plaintiff's allegations do not
3 state a claim upon which relief can be granted or they are frivolous.

4 The Court declines to grant Plaintiff leave to amend. It is clear that Plaintiff
5 cannot overcome the absolute immunity afforded to Judge Logan by alleging other
6 facts.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 1. Plaintiff's Complaint, ECF No. 1, is **DISMISSED**.

9 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
10 forward copies to Plaintiff, and **close** the file. The Court certifies that an appeal of
11 this Order would not be taken in good faith.

12 **DATED** this 24th day of May 2022.



16 Stanley A. Bastian

17 Stanley A. Bastian
18 Chief United States District Judge
19